

however, conditionally petitions for a further extension of time to provide for the possibility that such a petition has been inadvertently overlooked and is required. As provided below, charge Deposit Account **04-1105** for any required fee.

### **REMARKS**

Claims 1-3 and 7-17 are pending in the subject application. Claims 1-2, 7-15, and 17 stand rejected under 35 U.S.C. 102(e). Claim 3 stands rejected under 35 U.S.C. 103(a). Claim 16 is objected to for improper form under 37 CFR 1.75(c).

The Applicant appreciates the Examiner's thorough examination of the subject application and respectfully requests reconsideration of the subject application based on the following remarks.

### 37 CFR 1.75(c) OBJECTION

The Examiner objects to claim 16 as being in improper form because a multiple dependent claim cannot depend from another multiple dependent claim. The Applicant respectfully traverses the ground for this objection.

Claim 16 depends from "any one of claims 13 to 15." Claims 13 and 15 are independent claims, which, by definition, do not depend from another claim. Claim 14 depends from claim 13 only. Therefore, claim 16 does not depend from a multiple dependent claim. As a result, it is respectfully submitted that, claim 16 satisfies the requirements of 35 U.S.C. 100, et seq. As such, the Applicant believes that claim 16 is allowable. Moreover, it is respectfully submitted that the subject application is in a condition for allowance. Early and favorable action is requested

35 U.S.C. § 102(e) REJECTION

The Examiner rejected claims 1-2, 7-15, and 17 under 35 USC 102(e) as being anticipated by U.S. Patent No. 6,137,770 to Fujisawa, et al. ("Fujisawa" or the "Fujisawa Reference"). The Applicant respectfully traverses these rejections for reasons detailed below.

The invention as claimed teaches an optical disk cartridge comprising an optical disk 101 and a notched cartridge case 3. The purpose of the notch 10 on the side face of the disk cartridge is to allow a head arm of a disk drive device to approach the disk 101 in the cartridge plane when the disk cartridge is inserted in a disk drive device. As a result, the notch 10 allows the arm to move in a radial direction with respect to the optical disk; the notch 10 prevents the arm from contacting the disk cartridge; and the notch 10 enables reducing the size of the disk driving device. See, Specification, page 19, lines 1-8; page 25, line 24 to page 26, line 1; FIGS. 26a and 26c. Indeed, claim 1 of the invention as claimed includes the following limitation:

wherein the notch allows an arm of a disk driving device to approach the optical disk when the disk cartridge is inserted in the disk driving device for recording/reproducing information through a head supported by the arm.

The Examiner asserts that Fujisawa teaches a notch 31 that includes the limitation, supra. The Applicant respectfully disagrees. The disk cartridge 1 disclosed by Fujiwara includes a magnetic head contact/non-contact controlling arm 80 for moving a magnetic head 79 up and down, a connecting arm 76 for connecting the magnetic head 79 to an optical pick up unit 64, and a notch 31 on the side face of the disk cartridge 1. The control arm 80 is independent of the magnetic head 79 and includes a cartridge discriminating piece 82 as a reinforcing plate.

Furthermore, according to the Fujisawa reference,

approach  
"near"  
not contact  
not in  
the claims

the cartridge proper 5 constituting the disk cartridge 1 is provided with a notch 31 indicating that the disk accommodated in the cartridge proper is the overwrite type magneto optical disk 2 and enabling the magnetic head to be introduced into the cartridge proper 5.

Id., col. 4, lines 57-61. By contrast, a reproduce-only optical disk 202 (shown in Fujisawa FIGS. 3 and 4) is not provided with a notch 31, "which is provided in the disk cartridge 1 for indicating that the disk is the magneto-optical disk." Id., col. 5, lines 32-35. Thus, the Fujisawa notch 31 is merely provided to enable the device to determine that the inserted disk is an overwrite type magneto-optical disk rather than, for example, a reproduce-only disk 202.

Fujisawa FIGS. 6 and 10 patently show that the notch 31, which is disposed on one side 10 of the disk cartridge 1, has no impact on allowing the arm of the magnetic head device 65 to approach the optical disk 2. When the magnetic head 79 goes down, the cartridge discriminating piece 82 can come across the notch 31 and is prevented from contacting the disk cartridge 1. See, e.g., Fujisawa, col. 8, lines 11-47. Thus, there is no nexus between the notch 31 and the arm 76. Accordingly, the Fujisawa notch does not allow an arm of a disk drive device to approach the optical disk.

Accordingly, the Applicant respectfully maintains that Fujisawa does not teach, mention or suggest a notch that allows the arm of a disk drive device to approach the optical disk, which enables reducing the size of the disk driving device. Therefore, it is respectfully submitted that, for the foregoing reasons, claims 1-2, 7-15, and 17 are not anticipated by the Fujisawa reference and, further, satisfy the requirements of 35 U.S.C. 100, et seq., especially § 102(e). As such, the Applicants believe that claims 1-2, 7-15, and 17 are allowable. Moreover, it is respectfully submitted that the subject application is in a condition for allowance. Early and favorable action is requested.

35 U.S.C. § 103(a) REJECTION

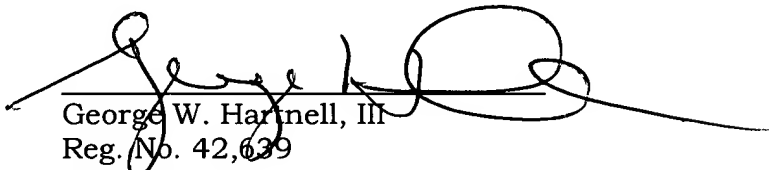
The Examiner has rejected claim 3 under 35 USC 103(a) as being unpatentable over Fujisawa. The Applicant respectfully traverses this rejection for reasons detailed above.

For the reasons provided above, showing that the Fujisawa reference does not anticipate the invention as claimed, the Fujisawa reference also cannot make the present invention obvious. Indeed, the Fujisawa reference does not teach, mention or suggest a notch that allows the arm of a disk drive device to approach the optical disk, which enables reducing the size of the disk driving device. As a result, it is respectfully submitted that, claim 3 is not made obvious by the Fujisawa reference and, further, satisfies the requirements of 35 U.S.C. 100, et seq. As such, the Applicant believes that claim 3 is allowable. Moreover, it is respectfully submitted that the subject application is in a condition for allowance. Early and favorable action is requested.

The Applicant believes that no additional fee is required for consideration of the within Response. However, if for any reason the fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge Deposit Account No. **04-1105**.

Respectfully submitted,

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